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Attorney for Relators

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

[REDACTED]

UNITED STATES OF AMERICA ex rel.
SCOTT ROSE, MARY AQUINO,
MITCHELL NELSON and LUCY
STEARNS

Plaintiff,
vs.

STEPHENS INSTITUTE, a California
corporation doing business as ART
ACADEMY UNIVERSITY,

Defendant.

C-09-5966-PJH

DECLARATION OF STEPHEN R. JAFFE
RE: POTENTIAL BREACH OF SEAL

FILED

JUN 16 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DECLARATION OF STEPHEN R. JAFFE

Stephen R. Jaffe declares:

1. I am an attorney admitted to practice before all of the courts of California. I am the attorney for the relators in this civil action. The facts set forth in this declaration are true of my own personal knowledge and if called as a witness, I could personally testify thereto.

2. On the morning of June 9, 2011, I met with Michael Granston and Jonathan Gold, attorneys for the United States, at their office in Washington, DC. At this meeting, it was agreed I would seek to identify potential witnesses favorable to the United States' interests in this case.

3. I returned to my home in California on June 9, 2011.

4. On June 10, 2011, I spoke briefly on the telephone with Jon Ward, a resident of Colorado. I told Mr. Ward I was investigating the facts of a civil matter and that he may have information relevant to my investigation. This telephone conversation was the first, last and only time I have spoken with Mr. Ward.

5. At 3:09 PM on June 10, 2011, I sent an email letter to Michael Granston and Jonathan Gold at the Justice Department. As I was identifying Mr. Ward as a potential witness to the Government, I sent Mr. Ward of copy of the email identifying him as a potential witness. I inadvertently wrote "US ex rel Rose et al v The Stephens Institute" as the subject of the email. There was no case number or court identification information in the email. A true and correct copy of that email is attached hereto as Exhibit A to this declaration.

6. *At no time during my conversation with Mr. Ward did I disclose the existence of this civil action nor do I believe Mr. Ward is aware of the existence of this civil action.*

1 7. The use of the case name in the subject line of the June 10, 2011 email was wholly
2 inadvertent and not in any manner intended to disclose the existence of this case to any person.

3
4 8. I am reporting these facts to the court because the foregoing facts could be construed
5 as a potential breach of the seal on this case. However, I do not believe an actual breach has
6 occurred.

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8 I declare the foregoing to be true under the penalty of perjury of the law of the State of
9 California. Executed June 15, 2011 at San Francisco, California.

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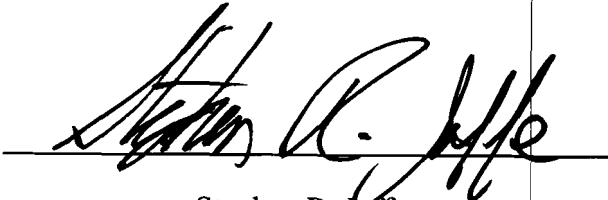

Stephen R. Jaffe

EXHIBIT A

US ex rel Rose et al v The Stephens Institute

From: stephen.r.jaffe@jaffetrial.com

Sent: Fri, Jun 10, 2011 at 3:09 pm

To: Gold (CIV)

Cc: michael.granston@usdoj.gov, Ila Deiss, jonwardyankee@gmail.com

Jon:

I spoke with JON WARD today. He is a past admissions director at AAU and had frequent meetings with Elisa Stephens and others.

Mr. Ward told me AAU affirmatively instructed him to NOT perform written evaluations of the advisers/recruiters. He corroborated my clients' statements about AAU being solely interested in recruiting numbers and not any other subjective or qualitative measurements of performance.

I obtained Mr. Ward's permission to provide his name and contact information to you. He is a resident of the Bay Area. His contact numbers are (510) 532-5679 (home) and (503) 953-0637 (cell). If you or your investigator call Mr. Ward, I request I be allowed to participate in that telephone call.

I am continuing to seek further witnesses to advance this case.

Best regards,

Stephen R. Jaffe / The Jaffe Law Firm
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San Francisco, CA 94111
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"All that is necessary for the triumph of evil is for good men to do nothing." - Edmund Burke

This email is for confidential use of the addressee(s). Contact stephen.r.jaffe@jaffetrial.com if you receive this email in error. Initiation of or response to any email by The Jaffe Law Firm does not constitute an agreement to represent any person or entity. No attorney-client relationship shall exist without a fully executed written attorney-client agreement between The Jaffe Law Firm and any client(s). In order to preserve paper resources, The Jaffe Law Firm does not fax or mail duplicate copies of correspondence and/or documents transmitted by email. If you require a duplicate copy of any correspondence and/or document transmitted by this email, contact the sender.

PROOF OF SERVICE

US ex rel, Rose et al. v Stephens Institute et al.

USDC NDCA Case No. 09-05966-PJH

The undersigned, states as follows: I am a citizen of the United States over the age of 18 years and not a party to the above-entitled proceeding. My business address is 101 California Street, Suite 2450 San Francisco, CA 94111.

On **June 15, 2011** I served the foregoing

DECLARATION OF STEPHEN R. JAFFE RE: POTENTIAL BREACH OF SEAL

on the following person(s) by delivering (or causing to be delivered) true and correct copies thereof as follows:

☐ **BY MAIL** By placing true and correct copies thereof in the United States mail at San Francisco, California, with postage fully prepaid, addressed as set forth below.

☐ **BY HAND** By placing true and correct copies thereof in a sealed envelope and delivering or causing to be hand delivered to the address(es) set forth below.

☐ **BY FACSIMILE TRANSMISSION** By sending true and correct copies thereof by facsimile transmission to the following telephone number: xxx-xxx-xxxx and thereafter mailing true and correct copies thereof by United States mail to the address(es) listed below

☐ **BY OVERNIGHT EXPRESS** By placing true and correct copies thereof in a sealed envelope and delivering the same to an overnight courier service addressed as set forth below

☒ **BY ELECTRONIC TRANSMISSION** By attaching a true and correct copy thereof to email correspondence addressed as follows:

ila.deiss@usdoj.gov
jonathan.gold@usdoj.gov

I declare the foregoing to be true under the penalty of perjury of the laws of the State of California. Executed **June 15, 2011** at San Francisco, California.


Susan D. Jaffe